

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:18-cv-08420-RGK-PJW; 2:18-cv-08423-RGK-PJW; 2:18-cv-08551-RGK-PJW; 2:18-cv-08555-RGK-PJW; 2:18-cv-08556-RGK-PJW; 2:18-cv-08565-RGK-PJW; 2:18-cv-08566-RGK-PJW; 2:18-cv-08568-RGK-PJW; 2:18-cv-08569-RGK-PJW; 2:18-cv-08570-RGK-PJW; 2:18-cv-08577-RGK-PJW; 2:18-cv-08578-RGK-PJW; 2:18-cv-08579-RGK-PJW; 2:18-cv-08588-RGK-PJW; 2:18-cv-08592-RGK-PJW; 2:18-cv-08723-RGK-PJW; 2:18-cv-08730-RGK-PJW; 2:18-cv-08747-RGK-PJW; 2:18-cv-08748-RGK-PJW; 2:18-cv-08749-RGK-PJW; 2:18-cv-08750-RGK-PJW; 2:18-cv-08753-RGK-PJW; 2:18-cv-08754-RGK-PJW; 2:18-cv-08759-RGK-PJW; 2:18-cv-08760-RGK-PJW; 2:18-cv-08763-RGK-PJW; 2:18-cv-08764-RGK-PJW	Date	May 10, 2019
Title	<i>United States v. \$1,546,076.35 In Bank Funds Seized From Republic Bank of Arizona Account 1889 (and related cases)</i>		

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Sharon L. Williams

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff: Not Present

Attorneys Present for Defendant: Not Present

Proceedings: (IN CHAMBERS) Order re: Claimant Larkin's Motion Regarding Timing of Filing Claims

The above captioned cases involve civil forfeiture proceedings of several assets that the government seized from James Larkin, John Brunst, Michael Lacey, and Scott Spear (collectively, "Claimants") pursuant to seizure warrants in this District. Claimants are currently defendants in an ongoing criminal matter in the District Court of Arizona, entitled *United States v. Lacey*, No. 2:18-cr-00422-SPL, where the indictment and the first superseding indictment include forfeiture allegations. On October 23, 2018, the Court stayed the above captioned cases pending the conclusion of the criminal matter. Claimants appealed the Court's stay order, which is currently pending in the Ninth Circuit.

Presently before the Court are Claimant Larkin's motions for an extension to file claims in the above captioned cases. Larkin requests that the deadline to file claims be extended from April 30, 2019 to July 1, 2019. Larkin indicates that on April 1, 2019, with the April 30th deadline looming, counsel for potential claimants began negotiating with the government for additional time to file claims. The government then filed *ex parte* applications requesting an extension on April 29, 2019, which the Court denied for lack of good cause. In the instant motions, Larkin contends that an extension is needed "to allow the parties sufficient time to identify all potential claimants and draft claims to complicated assets." (Mot. re Timing of Filing Claims 3:18-20, ECF No. 26.) Larkin also notes that counsel for

Clerk: CLB

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Title	<i>In the Matter of Seizure of: Any and all funds held in Republic Bank of Arizona Accounts (and related cases)</i>
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potential claimants engaged in month-long negotiations with the government regarding the deadline to file claims, and that claimants are currently litigating the criminal case in Arizona as well as the appeal of this Court's stay order in the Ninth Circuit.

The initial deadline for potential claimants to file claims to the assets in the above captioned cases was December 24, 2018. The government, on its own, extended the deadline to December 28, 2018. The Court then granted the government's request to extend the deadline to April 30, 2019. These cases undoubtedly involve numerous assets, and the Court acknowledges Larkin's contention that the assets are complicated. Despite these circumstances, however, the Court is not convinced that the previous four-month extension was an insufficient amount of time to file claims. The Court also notes that the government filed *ex parte* applications for an extension on the eve of the deadline, and the instant motions were filed four days passed the deadline. Therefore, the Court is not inclined to grant the requested extension. Nevertheless, the Court finds that the interests of justice require a brief extension of the deadline to file claims.

Accordingly, the Court **GRANTS in part** Claimant Larkin's Motions and **EXTENDS** the deadline for any potential claimants to file claims in the above captioned cases to May 24, 2019.

IT IS SO ORDERED.

Initials of Preparer

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